

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA )  
v. ) Case No. 04-cr-10119-MEL  
JAMES R. HART )  
\_\_\_\_\_)

## MOTION TO EXCLUDE TIME

The United States, by and through its attorneys, United States Attorney Michael J. Sullivan and Assistant United States Attorney Seth P. Berman, moves, pursuant to 18 U.S.C. §3161 (h)(1)(F) and (h)(8)(A), to exclude the period of time commencing on May 11, 2006 and ending on May 18, 2006. As grounds therefore, the government states that on May 11, 2006 the defendant filed a pretrial motion – a Motion for Release from Custody – and the Court has scheduled a hearing for that motion on May 18, 2006.

WHEREFORE, the United States respectfully request, under 18 U.S.C. §§3161(h)(1)(F), 3161(h)(8)(A) and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude the above period in computing the time within which trial must commence.

Respectfully Submitted,

MICHAEL J. SULLIVAN  
United States Attorney  
By:

/s/ Seth P. Berman  
SETH P. BERMAN  
Assistant U.S. Attorney  
(617) 748-3385

May 12, 2006